

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA	*	CRIMINAL NO: 09-141
v.	*	SECTION: "B"
DAVID LEWIS	*	VIOLATION: 18 U.S.C. § 2252(a)(2)
	*	18 U.S.C. § 2253
	*	
* * *		

F A C T U A L B A S I S

Should this matter proceed to trial, both the government and the defendant, **DAVID LEWIS**, do hereby stipulate and agree that the following facts set forth a sufficient factual basis for the crime to which the defendant is pleading guilty and that the government would prove the following beyond a reasonable doubt at trial:

The government would show that at all times mentioned in the Superseding Indictment, the defendant, **DAVID LEWIS**, was a resident of the Eastern District of Louisiana, living in Avondale, Louisiana.

The government would present evidence and testimony that Immigration and Customs Enforcement (ICE) agents received information that **DAVID LEWIS** had purchased access to child pornography websites. On April 21, 2009, ICE agents located **LEWIS** in Avondale, Louisiana at his Mandy Drive residence. **LEWIS** voluntarily provided ICE agents with written consent to search

his residence and allowed agents to seize evidence from his residence. Agents would testify that they recovered computers, hard drives, and other computer media from the defendant's Avondale residence.

The government would establish through testimony and documentary evidence that **LEWIS** knowingly used his computer and XNEWS to search for, download, and save images of child pornography. Further, the evidence and testimony would establish that a computer forensic search of **LEWIS's** seized computers and related evidence revealed approximately 19,000 images and 11 videos depicting the sexual victimization of children.

Further, the government would introduce post-*Miranda* statements wherein **LEWIS** voluntarily admitted to federal agents that he knowingly downloaded images of child pornography to his computer. According to **LEWIS**, he had been viewing child pornography for approximately ten years. **LEWIS** told agents that he had images of children on his computer who were about 12 to 13 years old and that he may have prepubescent images of child pornography as well. **LEWIS** stated that he likes to look at young thin girls with dark hair as well as innocent girls.

Forensic evidence consisting of medical testimony, law enforcement officers, and supporting documentation would establish that some of the child victims depicted in the images possessed by **LEWIS** were of real, identifiable victims, less than the age of eighteen (18) at the time the child pornography was created.

_____ Testimony would establish that some of the child victims depicted in the materials possessed by **LEWIS** were of prepubescent children less than 18 years of age; to wit: less than twelve (12) years old and that the images of the child victims were engaged in "sexually explicit conduct" as defined in Title 18, United States Code, Section 2256. These images included pictures of adult

males vaginally and/or anally penetrating minor victims and minors performing oral sex on adults.

All of the images and videos of child pornography possessed by the defendant, would be introduced through the testimony of ICE agents.

Further, the government would present evidence that would establish that the images of child pornography had been transported in interstate and foreign commerce via computer.

Further, the government would present evidence at sentencing that on or about July 19, 1985, the defendant, **DAVID LEWIS**, was convicted of the crime of child molesting, a class B Felony, Cause No. GR-85-11, in Grant County, Indiana.

Further, the government would show through testimony and documentary evidence that the equipment used by the defendant to acquire the child pornography was transported in interstate or foreign commerce.

DAVID LEWIS
Defendant

DATE

GEORGE CHANEY
Counsel for Defendant

DATE

BRIAN M. KLEBBA
Assistant United States Attorney

DATE